

ARTICLE II, NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

- (A) Support the ~~primary~~ use of land for rural economy uses, with residential uses allowed ~~secondarily in a form and context that is at densities~~ consistent with the general open and rural character of the rural economy uses.
- (B) Allow for a broad range of rural economy uses, including ~~traditional and new agricultural uses~~ (agriculture, horticulture and animal husbandry), agriculture support and ~~basic~~ services ~~directly~~ associated with on-going agricultural activities, and other low impact non-rural uses that can be developed in ways ~~that are~~ consistent with the rural character of the AR-1 district rural economy uses through mitigation or other standards.
- (C) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to ~~traditional and new agricultural uses~~, conference and training center uses, and rural activity and special event uses ~~for tourists related to the traditional and new agricultural uses~~.
- (D) Promote ~~Ensure consistency between~~ that residential development and is consistent with the open character of the rural economy uses through ~~lower by requiring either very low density residential development or the~~ clustering of residential development ~~in ways that are harmonious with rural economy uses and that preserve the general rural character of the district~~.
- (E) ~~Ensure that development is designed and located in ways that are consistent with conservation design principles and protects and maintains primary conservation areas and secondary conservation areas in ways that are consistent with the development of rural economy uses and the general rural character of the district.~~
- (F) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 summarizes the principal use regulations of the AR-1 district.

- (A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.

(1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications assign land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.

(3) **Use Types.** The Use Categories are divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.

(B) **Use Categories and Use Types Defined.** All Use Categories and Use Types listed in Table 2-102 are defined in Article VIII (Definitions).

(C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-1” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with applicable standards and regulations in this Ordinance and other County ordinances. An “S” indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-1 district as a minor special exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a special exception or minor special exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

(D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column, means all of the uses in the Use

Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.

(F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be equal to or greater than the sum of the minimum acreage requirements for each principal use.

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627

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USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630

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USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	M	Section 5-606
	Kennel, Indoor	P	Section 5-606
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613

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USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	May use AR District Cluster Option. See Sections 2-104 and 5-703. May divide property in accordance with Section 2-103 Development Options.
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
	Tenant dwelling	P	Section 5-602
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621

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AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural corporate retreat	P	Section 5-619
	Rural Resort	P	Section 5-601(D)
	Rural Retreat	P	Section 5-601(D)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	<u>Country Club</u>	<u>S</u>	<u>Section 5-660</u>
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647

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USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and breakfast, home stay	P/M	Section 5-601(A)
	Bed and breakfast inn	P/M	Section 5-601(B)
	Country inn	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Yard waste and/or vegetative waste compost Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	<u>Yard Waste Composting Facility</u>	<u>S</u>	<u>(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)</u>
	Stockpiling of dirt	S	Section 5-657

- 1 **~~2-103 Lot and Building Requirements.~~** Table 2-103 identifies the lot and building
2 requirements that apply to all development in the AR-1 district, except land
3 developed under the AR District Cluster Option pursuant to Section 2-104 and
4 Section 5-703, or unless the performance standards in Section 5-600 (Additional
5 Regulations for Specific Uses) specify different requirements.

TABLE 2-103 AR-1 LOT AND BUILDING REQUIREMENTS (EXCEPT DEVELOPMENT UNDER AR DISTRICT CLUSTER OPTION)	
Minimum Lot Size	20 acres
Minimum Lot Width	200 feet on paved roads; 50 feet on unpaved roads
Minimum Yards	No building shall be located within 25 feet of any property line nor within 100 feet from the right of way of any arterial road, 75 feet from the right of way of any collector road, and 35 feet from any other road right of way, private access easement, and any prescriptive easement.
Maximum Lot Coverage	8% maximum, based on gross acreage
Maximum Building Height	35 feet. No restriction for buildings used exclusively for agriculture, horticulture and animal husbandry.
Lot Access	<p>Access to individual lot provided by privately owned and maintained travelway which shall either be:</p> <ul style="list-style-type: none"> ○ A private access easement that complies with the requirements of Chapter 4: Transportation of the Facilities Standards Manual; or ○ A private lane that: <ul style="list-style-type: none"> ■ Is within a 24' private easement; ■ Is at least 12' in width; ■ If paved, is 2" over a 4" base; ■ If gravel is 6"; and ■ Has a minimum grade of 10% with a minimum 30' centerline curve radius. ○ Private access easement or private lane may serve as frontage in lieu of public road frontage up to 25 lots. <p>Plat of division shall contain a note and provide for maintenance of private access easement or private lane.</p>

~~2-104 AR-1 Cluster Option.~~ At the option of the landowner, lands in the AR-1 district may be developed pursuant to the procedures and requirements of the AR District Cluster Option (Section 5-703).

~~2-105 Utility Requirements.~~

~~(A) **Water.** Development shall be served either by individual wells or communal water supply systems. Individual wells or communal water supply systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

~~(B) **Wastewater.** Development shall be served either by communal sewer systems or by septic systems. Communal sewer systems or septic systems may be located within the Rural Economy Conservation Lands consistent with the standards of Section 6-2005.~~

2-103 Development Options. Land within the AR-1 zoning district may be subdivided under one of the three development options identified below. Nothing in this section shall preclude the opportunity for a property owner to file for a Family Subdivision in accordance with the requirements of the Land Subdivision and Development Ordinance.

(A) Base Density Division Option. A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Land Subdivision and Development Ordinance (LSDO) for such division:

(1) **Lot Yield.** Under the Base Density Division Option, the maximum lot yield shall be one lot per 20 acres.

(2) **Permitted Uses.** The uses permitted on lots developed in accordance with the Base Density Division Option are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(3) **Lot and Building Requirements.**

(a) **Minimum Lot Size.** 20 acres.

(b) **Minimum Lot Width.** 175 feet.

(c) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of any collector road, and 35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(d) **Maximum Lot Coverage.** 8% maximum.

- (e) **Maximum Building Height.** 35 feet, excluding agricultural, horticultural, and animal husbandry structures.

(4) **Creation of Lots.**

- (a) **Request.** Requests for creation of lots by plat of division in the AR-1 District shall be submitted to the Director of the Department of Building and Development (or designee) for review and approval in accordance with “AR-2 and AR-1 Divisions” of the Land Subdivision and Development Ordinance.

- (b) **Public Road Frontage.** No such lot shall be created fronting on a public road unless the publicly dedicated width of the road along the entire frontage of the newly created lot, measured from the centerline of the road to the property line of the lot, satisfies the criteria of the Virginia Department of Transportation (VDOT).

- (c) **Utility Requirements.** Each lot shall have an on-site water supply and individual sewage disposal system.

(5) **Lot Access.**

- (a) Access to individual lots may be provided by a private access easement that complies with the requirements of the Facilities Standards Manual.
- (b) A private access easement may serve as frontage in-lieu of public road frontage for up to 7 lots.
- (c) The plat of division shall contain a note detailing the provisions for the maintenance of the private access easement.

(B) Principal/Subordinate Subdivision Option: The Principal/Subordinate Subdivision Option is a subdivision of land in which a maximum lot yield is calculated for an Originating Tract based on the gross acreage of such tract. The maximum lot yield shall be as set forth in Subsection 2-103(B)(1)(b) below. The Principal/Subordinate Subdivision Option results in the creation of one Principal Lot, and one or more Subordinate Lots. The number of Subordinate Lots created is subtracted from the maximum lot yield and the resulting number establishes the remaining number of lots, which is assigned to the Principal Lot. The creation of subsequent Subordinate Lots from the Principal Lot is permitted, with the number of lots assigned to the Principal Lot reduced by one for each Subordinate Lot created. Once the number of lots assigned to the Principal Lot is reduced to one, no more Subordinate Lots can be created. The Principal/Subordinate Subdivision Option typically allows the landowner to achieve a greater lot yield than the base density of the Base Density Division Option, while providing for the

1 establishment of rural economy uses as a primary use with single-family
2 detached residential development as a secondary use.

3 **(1) General Requirements.**

4 (a) **General.** A landowner may exercise this option on a site
5 consisting of a minimum of 20 acres.

6 (b) **Lot Yield.** The maximum lot yield shall be 1 lot per 10 acres.
7

8 **(2) Characteristics of Principal/Subordinate Subdivision Option.**

9 (a) The lot yield of a Principal/Subordinate Subdivision shall be
10 calculated from the Originating Tract of land in existence at the
11 time the first Principal/Subordinate Subdivision is created.

12
13 (b) Once a Principal/Subordinate Subdivision is created, the number
14 of lots assigned to the subdivision shall not be altered.

15
16 (c) The lot yield of the Originating Tract shall be calculated with
17 each preliminary and/or record plat. At the time of the first
18 subdivision, the number of Subordinate Lots created is subtracted
19 from the number of lots calculated for the Originating Tract and
20 the remaining number of lots is then assigned to the Principal
21 Lot. Each subsequently created Subordinate Lot is subtracted
22 from the number of lots assigned to the Principal Lot and shall
23 reduce the number of lots assigned to the Principal Lot by one
24 (1) for each lot.

25
26 (d) A Principal Lot may be further subdivided, provided the
27 minimum requirements of the Zoning Ordinance and Land
28 Development and Subdivision Ordinance (LSDO) are met. Once
29 the number of lots assigned to the Principal Lot is reduced to
30 one, the Principal Lot may no longer be subdivided.
31

32 (e) Subordinate Lots shall not be further subdivided. The record plat
33 and initial deed of conveyance after establishment of a
34 subdivision lot under the Principal/ Subordinate Subdivision
35 Option shall contain a statement to this effect.
36

37 (f) A subdivision of one or more lots may occur at one time or in a
38 series of subdivisions up to the maximum lot yield calculated for
39 the Originating Tract.

40
41 (g) Any subdivision record plat for a Principal/Subordinate
42 Subdivision shall contain a tabulation of density showing, in

addition to all Land Subdivision and Development Ordinance (LSDO) requirements, the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract and each resulting Principal Lot and number of lots created pursuant to such subdivisions.

(h) The Principal Lot shall be clearly labeled on each record plat.

(i) Each Principal/Subordinate Subdivision shall contain at least one Rural Economy Lot of a minimum of 15 acres in size.

(3) Permitted Uses.

(a) **Principal and Subordinate Lots.** The uses permitted on lots developed in accordance with the Principal/Subordinate Development Option are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(4) Lot and Building Requirements. The Lot and Building Requirements for development under the Principal/Subordinate Subdivision Option are identified below, except where the performance standards in Section 5-600 (Additional Regulations for Specific Uses) specify different requirements for a particular use.

(a) **Minimum Lot Size.** 80,000 square feet, exclusive of major floodplain. At least one lot in the development shall be a Rural Economy Lot with a minimum of 15 acres.

(b) **Minimum Lot Width.** 175 feet.

(c) **Maximum Length/Width Ratio.** 3:1.

(d) **Minimum Yards.** No structure shall be located within 25 feet of any property line or within 100 feet from the right-of-way of any arterial road; 75 feet from the right-of-way of any collector road; or 35 feet from any other road right-of-way, private access easement, and/or any prescriptive easement.

(e) **Maximum Lot Coverage.** 15%.

(g) **Building Height.** 35 feet maximum, excluding agricultural, horticultural, and animal husbandry structures.

1 (5) **Landscaping/Buffering.** Notwithstanding the requirements of
2 Section 5-1400, required buffers may be provided on either the
3 Principal and/or Subordinate lot.

4 (6) **Utility Requirements.**

5 (a) **Water.** All lots shall be served by individual water supply
6 systems located on the lot.

7 (b) **Sewer.** All lots shall be served by individual sewage disposal
8 systems located on the lot.

9 (7) **Fire Protection.** The development shall satisfy the fire protection
10 standards set forth in the Facilities Standards Manual.

11 ~~(8)~~ **Lot Access.**

12 (a) Access to individual lots may be provided by a private access
13 easement that complies with the requirements of Chapter 4:
14 Transportation, of the Facilities Standards Manual.

15 (b) A private access easement may serve as frontage in lieu of public
16 road frontage up to 25 lots per easement.

17 (c) The record plat of subdivision shall contain a note detailing the
18 provisions for the maintenance of the private access easement.
19

20
21 (C) **Cluster Subdivision Option.** The Cluster Subdivision Option allows for
22 the subdivision of a tract of land with a more compact residential design
23 plus one or more large lots suitable for rural economy uses and/or common
24 open space. Communal water and sewer systems may be used for such
25 developments.

26 (1) **General Requirements.**

27 (a) **General.** A landowner may exercise this option on a site
28 consisting of a minimum of 20 acres.

29 (b) **Lot Yield.** The maximum lot yield shall be 1 lot per 10 acres.
30

31 (2) **Characteristics of Cluster Subdivision Option.**

32 (a) Depending on the tract size, the cluster subdivision may include
33 one or more Rural Cluster Lots and at least one Rural Economy
34 Lot and may include Common Open Space.
35
36

- (b) The lot yield of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.
 - (c) All lots within the cluster subdivision shall be created at one time.
 - (d) The lots created by cluster subdivision shall not be further subdivided.
 - (e) A Homeowners' Association is required for any subdivision with common elements as described in Section 2-104.
 - (f) Each preliminary and record plat for a cluster subdivision shall contain a tabulation of lot yield for the cluster subdivision.
 - (g) The perimeter setback required in Section 2-103(C)(6) shall be indicated and clearly labeled on each preliminary and record plat.
 - (h) A minimum of 70% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space.
- (3) **Lot standards for Residential Cluster Lots.** The site layout of the proposed development shall occur in conjunction with preliminary subdivision plat review. Development of the cluster option shall comply with all of the following standards, in addition to the LSDO:
- (a) **Number of Lots in Cluster(s).** Rural Cluster Lots shall be grouped in clusters consisting of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if any one of the following applies:
 - (i) There will be fewer than 5 lots in the entire subdivision.
 - (ii) In the AR-1 district, the area of the site is less than 50 acres.
 - (iii) It is demonstrated that a cluster of fewer than 5 lots will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.
 - (b) **Number of Clusters.** Multiple groupings of Rural Cluster Lots shall be required where the total number of lots on a site is greater than 25. A single grouping of Rural Cluster Lots shall

1 contain all the lots where the total number of lots on a site is 25
2 or fewer, except that multiple clusters may be allowed where it is
3 demonstrated that multiple clusters will result in less disturbance
4 of land within the Mountainside Development Overlay District
5 (MDOD), Floodplain Overlay District (FOD) lands, and/or land
6 containing steep slopes and/or wetlands.
7

8 (c) **Distance Between Clusters.** If more than one grouping of Rural
9 Cluster Lots is to be created from a parcel, a minimum of 500
10 feet shall separate the lot lines of the outer boundaries of each
11 grouping of Rural Cluster lots (exclusive of open space and lots
12 15 acres or greater).
13

14 (d) **Lot Size.**

15
16 (i) **Minimum lot size.** 40,000 sq. ft., exclusive of major flood
17 plain.
18

19 (ii) **Maximum lot size.** 4 acres, exclusive of major flood plain.
20

21 (e) **Minimum Lot Width.** 175 feet.
22

23 (f) **Maximum Length/Width Ratio.** 3:1.
24

25 (g) **Maximum Lot Coverage.** 15%.
26

27 (h) **Permitted Uses on Lots.** The uses allowed on lots are identified
28 in Table 2-102 and are subject to the Additional Regulations for
29 Specific Uses in Section 5-600.
30

31 (4) **Lot standards for Rural Economy Lots.** Each cluster subdivision
32 shall contain at least one Rural Economy Lot of a minimum of 15
33 acres that shall meet the following standards:

34 (a) **Minimum Lot Size.** 15 acres.
35

36 (b) **Maximum Lot Coverage.** 8%.
37

38 (c) **Minimum Lot Width.** 175 feet.
39

40 (d) **Maximum Length/Width Ratio.** 3:1.
41

42 (e) **Permitted Uses on Lots.** The uses allowed on lots are identified
43 in Table 2-102, subject to the Additional Regulations for Specific
44 Uses in Section 5-600.
45

1 **(5) Common Open Space Use.** Land that is neither part of a building lot
2 nor a road right-of-way shall be placed in common open space and shall
3 be maintained by a Homeowner's Association as described in Section 2-
4 104. Common Open Space shall be designed to constitute a contiguous
5 and cohesive unit of land which may be used as described below.
6 Common Open Space has no minimum or maximum lot size and no lot
7 width regulations. Further, Common Open Space does not count against
8 the lot yield allotted to the subdivision.

9
10 **(a) Permitted Uses.** Uses allowed on the Common Open Space land
11 are listed below and are subject to the Additional Regulations for
12 Specific Uses in Section 5-600 as referenced:

- 13
14 (i) Bona fide agriculture, horticulture, animal husbandry and
15 structures accessory to such use, including, but not limited
16 to barns and run-in sheds to house livestock or farm
17 equipment, pursuant to Section 5-626.
18
19 (ii) Construction and/or sales trailer, during period of
20 construction activity.
21
22 (iii) Easements and improvements for drainage, access, sewer
23 or water lines, or other public purposes.
24
25 (iv) Passive open space or passive recreation, including but not
26 limited to trails, picnic areas, community gardens.
27
28 (v) Sewage disposal system, communal.
29
30 (vi) Sewer pumping station.
31
32 (vii) Stables, pursuant to Section 5-627.
33
34 (viii) Stormwater management facilities for the proposed
35 development or for a larger area in compliance with a
36 watershed stormwater management plan.
37
38 (ix) Telecommunications antenna, pursuant to Section 5-
39 618(A).
40 (x) Telecommunications monopole, pursuant to Section 5-
41 618(B)(1).
42 (xi) Telecommunications monopole, pursuant to Section 5-
43 618(B)(2).
44 (xii) Utility substation, dedicated.

- (xiii) Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses).
- (xiv) Water pumping station.
- (xv) Water supply system, communal.
- (b) **Special Exception Use.** The following uses are permitted within Common Open Space with Special Exception approval pursuant to Section 6-1300 and are subject to the Additional Regulations for Specific Uses in Section 5-600 as referenced.
- (i) Active recreation space.
- (ii) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (6) **Setback.**
- (a) **Setback.** No structure shall be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right of way of any collector road; or thirty five (35) feet from any other road right of way, private access easement, and/or prescriptive easement.
- (b) **Perimeter Setback.** Residential dwellings within the subdivision, including the Rural Economy Lot, shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.
- (7) **Yards.**
- (a) **Front.** 35 feet minimum.
- (b) **Side.** 15 feet minimum.
- (c) **Rear.** 35 feet minimum.
- (8) **Building Requirements.**
- (a) **Building Height.** Thirty five (35) feet maximum, excluding agricultural, horticultural, and animal husbandry structures.
- (9) **Utility Requirements.**
- (a) **Water.** All lots shall be served by either:
- (i) Individual water systems, located on the lot served, or

- (ii) Communal water system, located within Common Open Space, with maintenance to be provided pursuant to Section 2-103(C)(10).

(b) **Sewer.** All lots shall be served by either:

- (i) Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots. or
- (ii) Communal sewage disposal system that shall be located within Common Open Space with maintenance to be provided pursuant to Section 2-103(C)(10).

~~(9)~~ (10) **Maintenance of Water and/or Sewage Disposal Systems.**

- (a) **Individual Systems.** Maintenance of Individual Water and Individual Sewage Disposal Systems shall be the responsibility of the owner of the lot the system serves.
- (b) **Communal.** If the development is served by a communal water and/or sewage disposal system, such systems shall be operated and maintained by LCSA, in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia. An access easement shall be provided for the entity maintaining the system. All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served

(11) **Lot Access.**

- (a) Access to individual lots or common open space may be provided by a private access easement which shall comply with the requirements of the Facilities Standards Manual.
- (b) Private access easements may serve as frontage in lieu of public road frontage for up to 25 lots per easement.
- (c) The plat of subdivision shall contain a note detailing the maintenance provisions of the private access easement.

- (12) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

2-104 Homeowners' Association and Responsibilities.

- 1 (A) If the subdivision contains any of the common areas of improvements listed
2 below, the development shall have an incorporated Homeowners'
3 Association ("HOA"). The HOA shall have the responsibility to maintain
4 the following areas or improvements:
- 5 (1) Common open space areas within the development that are not part of
6 an individual lot;
7
8 (2) Lot(s), if owned by the HOA;
9
10 (3) Private roads, if any, within or serving the development, except as
11 provided in Section 2-104(C);
12
13 (4) Communal water and/or sewage disposal systems, except as provided
14 in Section 2-104(D);
15
16 (5) Any stormwater management facilities or areas;
17
18 (6) Fire protection pond(s), dry mains, or other improvements;
19
20 (7) Such other common facilities or improvements as may be designated
21 in the bylaws of the HOA.
22
- 23 (B) Membership in the HOA shall be required for all purchasers of lots in the
24 subdivision and their successors in title.
25
- 26 (C) Notwithstanding the requirements of Section 2-104(A) above, if the only
27 common element is the private roads or easements, then such private roads or
28 easements shall either be maintained by an HOA or pursuant to a private road
29 maintenance agreement. If such roads are to be maintained pursuant to a
30 private road maintenance agreement, then the terms thereof shall be included
31 on each record plat of subdivision for the development.
32
- 33 (D) Notwithstanding the requirements of Section 2-104(A) above, communal
34 water or sewage disposal systems may be maintained by LCSA or a public
35 water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of
36 Title 56 of the Code of Virginia.
37
- 38 (E) Prior to approval of a record plat of subdivision for the cluster:
- 39 (1) If an HOA is to be established, the landowner shall submit documents
40 for the creation of the HOA to the County for review and approval,
41 including its bylaws, and all documents governing ownership,
42 maintenance, and use restrictions for common areas, including a legal
43 description of such areas and a description of restrictions placed upon
44 the use and enjoyment of the land;

1 (2) If a communal water and/or sewage disposal system is to be
2 maintained by a third party, a minimum two year maintenance contract
3 is to be submitted for review by the County.

4
5 (3) If the subdivision is served by private roads and there is no HOA for
6 the subdivision, the developer shall submit a private road maintenance
7 agreement to the County for review and approval.
8

9 **2-105 Recognizing Protection by Right to Farm Act.** Record plats and deeds
10 authorized pursuant to this section shall include a statement that agricultural
11 operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-
12 22.28 et seq.).
13
14